

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 TIMOTHY RANDELL,

Case No. 3:20-cv-0561-MMD-CLB

4 Plaintiff

ORDER

5 v.

6 LUKE PRENGAMAN, *et al.*,

7 Defendants

8
9 I. DISCUSSION

10 On September 28, 2020, Plaintiff, an inmate in the custody of the Nevada
 11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.
 12 § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor
 13 filed an application to proceed *in forma pauperis* with complete financial attachments.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
 15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
 16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
 17 inmate must submit all three of the following documents to the Court:

- 18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
 19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
 20 page 3),
- 21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 22 official (i.e. page 4 of this Court’s approved form), and
- 23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
 24 **previous six-month period**.

25 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete
 26 application to proceed *in forma pauperis* containing all three of the required documents,
 27 or in the alternative, pay the full \$400 filing fee for this action on or before **December 7,**
 28 **2020**. Absent unusual circumstances, the Court will not grant any further extensions of

1 time.

2 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
3 with all three required documents or pay the full \$400 filing fee on or before **December**
4 **7, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case
5 with the Court when Plaintiff is either able to acquire all three of the documents needed
6 to file a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing
7 fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the
9 case with the Court, under a new case number, when Plaintiff has all three documents
10 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
11 may choose not to file an application to proceed *in forma pauperis* and instead pay the
12 full filing fee of \$400 on or before **December 7, 2020** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
14 will not file the complaint unless and until Plaintiff timely files a fully complete application
15 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
18 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
19 as the document entitled information and instructions for filing an *in forma pauperis*
20 application.

21 IT IS FURTHER ORDERED that on or before **December 7, 2020**, Plaintiff will
22 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and
23 the \$50 administrative fee) or file with the Court:

- 24 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this
25 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
26 signatures on page 3),
- 27 (2) a Financial Certificate properly signed by both the inmate and a prison or jail
28 official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action on or before **December 7, 2020**, the Court will dismiss this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.1-1) but will not file it at this time.

DATED: October 27, 2020

UNITED STATES MAGISTRATE JUDGE